

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants – Andhra Pradesh Revenue Department – allegation of corruption against Sri Taraboina Muthyalu Arjun Kumar, Assistant Commercial Tax Officer, Charminar Circle, Hyderabad –Trapped on 06.10.2009 - Sanction of Prosecution under Prevention of Corruption Act-1988- Orders –Issued.

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REVENUE (VIG.I) DEPARTMENT

G.O.Rt.No.

Dated: .10.2010.

ORDER:

1. Whereas, Sri Taraboina Muthyalu Arjun Kumar, s/o Taraboina Mutyalu, worked as Assistant Commercial Tax Officer, Charminar Circle, Hyderabad from 9.6.2006 to 6.10.2009 (till his suspension) and by virtue of the post held by him he falls under category of Public Servant as defined under clause (c) of section 2 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988;
2. And whereas, Aqeel Shareef S/o Yousuf Shareef, age 35 years, Occ: Business R/o 18-2-789 G.M.Chowni, Falaknuma, Hyderabad. Sri Aqeel Shareef applied for VAT Registration certificate at Commercial Tax Office, Charminar Circle to start a business in the name and style of 'A.S. Enterprises and Contractors' at his house;
3. And whereas, it is alleged that on 19.09.2009, Sri Arjun Kumar, ACTO, and Sri Shiva Lingam, Sr. Assistant visited his house for verification of his application. On the same day, Sri Arjun Kumar, ACTO, demanded him a bribe amount of Rs.4,000/- for processing his application and issuing the certificate after obtaining the signature of the concerned Commercial Tax Officer. Sri Arjun Kumar said that he



would reject his application if, Sri Aqeel Shareef did not pay the bribe amount. Sri Arjun Kumar asked to bring to objection certificate from his father and gave Sri Aqeel Shareef a propforma by drafting with his own hand writing stating that his father was not taking any rent from him for conducting the business in the name of 'A.S. Enterprises and Contractors'. On 22.09.2009, Sri Aqeel Shareef went to ACTO's room and submitted to objection certificate, by that time, Sri Shiva lingam, Sr. Asst., reminded their earlier demanded of bribe amount of Rs.4,000/- and he said that after paying the bribe amount only they would process the file otherwise they will not process the file. Then Sri Aqeel Shareef requested Sri Shiva Lingam to reduce the bribe amount and after some time he left the office. Again on 01.10.2009 Shareef went to ACTs office and met Sri Arjun Kumar, ACTO and requested to process to issue VAT Registration certificate, on which ACTO Sri Arjun Kumar again asked for bribe of Rs.4000/- Sri Aqeel Shareef requested Sri Arjun Kumar to reduce bribe amount as he cannot pay such a huge amount for which ACTO Sri Arjun Kumar instructed Sri Aqeel Shareef to meet Sri Shiva Lingam, Sr. Asst. Accordingly he met Sri Shiva Lingam to reduce the bribe amount, Sri Shiva Lingam contacted the ACTO Sri Arjun Kumar and reduced the bribe amount from Rs.4000/- to 3000/- Sri Shiva Lingam told him that the certificate would be issued after payment of bribe amount only. Again on 03.10.2009, Sri Aqeel Shareef met Sri Arjun Kumar, ACTO in his room and informed that Sri Shivalingam was asking Rs.3000/- finally. Sri Arjun Kumar, ACTO told him to do as directed by Sri Shivalingam. As Sri Aqeel Shareef was not willing to pay the demanded bribe amount to Sri Arjun Kumar or Sri Shiva Lingam lodged the complaint for taking action against the ACTO and Sr. Asst to the DSP, ACB, City Range, Hyd;

4. And whereas, the DSP,ACB, City Range-I, Hyderabad, who received the complaint, made an endorsement at 17.00 hours on 3.10.2009, caused confidential enquiries with regard to the



genuineness of the complaint and reputation of Sri Arjun Kumar and Sri Shiva Lingam registered the complaint of Sri Aqeel Shareef as a case in Cr.No.22/ ACB-CR-I/2009 under section 7 of the Prevention of Corruption Act, 1988 on 6.10.2009 at 1000 hours after obtaining permission from the competent authority duly observing all formalities;

5. And whereas, Sri Taraboina Mutyalu Arjun Kumar s/o Sri Taraboina Mutyalu, aged 57 year, Occ: Asst. Commercial Tax Officer, O/o the Commercial Tax Officer, Charminar Circle demanded and accepted bribe amount of Rs. 3000/- as illegal gratification other than legal remuneration from the complaint Sri Aqeel Sareef S/o Yousuf Shareef, age 35 years, Occ: Business, r/o 18-2-789 G.M.Chowni Falakunama, Hyderabad, for showing official favour in processing application of the Sri Aqeel Shareef VAT registration certificate and to issue the same and the ACTO T.M.Arjun Kumar was caught red-handed by the ACB officials. The phenolphthalein test conducted over the right hand fingers of Sri Taraboina Muthyalu Arjun Kumar and the cotton swab rubbed over the surface of file bearing No.2811, kept in the second rack of the almirah situated in the office room of ACTO which came into contact with the tainted amount yielded positive results and the tainted amount of Rs.3,000/- was record and seized in presence of the mediators from the possession and instance of the ACTO T.M.Arjun Kumar;

6. And whereas, the said Acts of Sri Taraboina Mutyalu Arjun Kumar S/o Sri Taraboina Mutalu aged 57 Occ: Asst. Commercial Ta Officer, O/o the Commercial Tax Officer, Charminar Circle constitutes an offence punishable under Section 7 and clause (d) of Sub-section (1) of section read with sub section (e) of section 13 of the Prevention of Corruption Act, 1988 and section 34 of the Indian Penal Code,1860;

7. And whereas, the Government of Andhra Pradesh, being the competent authority to remove, Sri Taraboina Mutyalu Arjun Kumar s/o



Sri Taraboina Mutyalu, aged 57 yeas, Occ: Asst. Commercial Tax Officer, O/o Commercial Tax Officer, Charminar Circle from service after fully and carefully examining the material placed before them i.e Copy of FIR, Mediators Report-I& II and final investigation report in respect of the said allegation, and having regard to the facts and circumstances of the case, consider that, the said Sri Taraboina Mutyalu Arjun Kumar s/o Sri Taraboina Mutyalu, aged 57 yeas, Occ: Asst. Commercial Tax Officer, O/o the Commercial Tax Officer, Charminar Circle shall be prosecuted in a court of law for the aforesaid offences;

8 Now, therefore in exercise of the powers conferred under clause (b) of sub section (1) of section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and Section 197 of Code of Criminal Procedure, 1908, the Government of Andhra Pradesh, hereby accord sanction for prosecution of Sri Taraboina Mutyalu Arjun Kumar s/o Sri Taraboina Mutyalu, aged 57 yeas, Occ: Asst. Commercial Tax Officer, O/o the Commercial Tax Officer, Charminar Circle for the offences punishable under section 7 and sub section (2) of section 13 read with the clause (d) of sub section (1) of section 13 of the Prevention of Corruption Act, 1988 and section 34 of Indian Penal Code, 1860 respectively and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and also for taking cognizance of the said offence by the court of competent jurisdiction.

To  
The Director General,



Anti Corruption Bureau,  
A.P.Hyderabad.

Copy to  
The Law (E) Department